

PTO/SB/61 (09-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Docket Number (Optional)
15179

Art Unit: Unassigned

RECEIVED Exam

Examiner: Unassigned

MAR 11 2004

OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(I)) Applicant claims small entity status..
See 37 CFR 1.27.

04/13/20 ☒ Other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

201 00000000 10328346
860 00 00

3/2/04 8:45 PM 2608312500

2. Reply and/or fee \$440.00 23

A. The reply and/or fee to the above-noted Office action in the form of

Response to Notice to File Missing Parts (identify the type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$

- ☐ has been paid previously on _____
☐ is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/11/2004 HGBREHI 00000005 10028346

110.00 OP

01 FC:1452

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
15179

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$ _____ other than a small entity) disclaiming the required period of time enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.

March 8, 2004
Date


Signature

(516) 742-4343
Telephone Number:

Frank S. DiGiglio
Typed or printed name

31,346
Registration Number, if applicable

Scully, Scott, Murphy & Presser
Address

400 Garden Plaza, Garden City, NY 11530
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

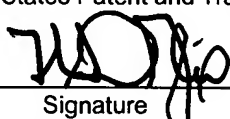
- ☒ Additional sheets containing statements establishing unavoidable delay
Copy of Notice of Abandonment; Response to Notice to File Missing
☒ Parts and executed Declaration and Power of Attorney.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

March 8, 2004
Date


Signature
Frank S. DiGiglio
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

March 8, 2004

Date


Signature

31,346

Registration Number, if applicable

Frank S. DiGiglio

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

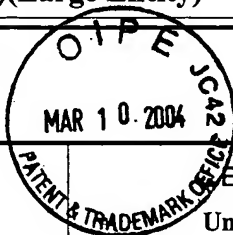
Statement is attached.

(Please attach additional sheets if additional space is necessary)

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
15179

In Re Application Of: Meilina Ong Abdullah, et al.



Serial No.
10/028,346

Filing Date
December 20, 2001

Examiner
Unassigned

Group Art Unit
Unassigned

Invention: A MOLECULAR MARKER

Mail Stop Missing Parts

TO THE COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
February 22, 2002
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ Other (list):

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
15179

In Re Application Of: **Meilina Ong Abdullah, et al.**

Serial No.
10/028,346

Filing Date
December 20, 2001

Examiner
Unassigned

Group Art Unit
Unassigned

Invention: **A MOLECULAR MARKER**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

☒ Completion of application fees as calculated below:

☐ Utility application filing fee _____

☐ Design application filing fee _____

☐ Total number of independent claims = _____

☐ Total number of claims = _____

☐ Multiple dependent claims _____

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

☐ Petition and fee for filing by other than all the inventors or a person not the inventor _____

☐ Fee for processing an application filed with a non-English language specification _____

☐ Fee for processing and retention of application _____

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: _____ until: _____
Date Date

Total time extension fees _____

Total fees due **\$130.00**

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.
15179

In Re Application Of: **Meilina Ong Abdullah, et al.**

Serial No.
10/028,346

Filing Date
December 20, 2001

Examiner
Unassigned

Group Art Unit
Unassigned

Invention: **A MOLECULAR MARKER**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of **\$130.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-1013/SSMP**
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.


Signature

Dated: **March 8, 2004**

**Frank S. DiGiglio
Registration No. 31,346
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343**

I certify that this document and fee is being deposited on **March 8, 2004** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Frank S. DiGiglio

Typed or Printed Name of Person Mailing Correspondence

cc: **FSD/XZ:ab**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Meilina Ong Abdullah, et al.

Examiner: Unassigned

Serial No: 10/028,346

Art Unit: Unassigned

Filed: December 20, 2001

Docket: 15179

For: A MOLECULAR MARKER

RECEIVED

MAR 11 2004

Confirmation No.: 3064

OFFICE OF PETITIONS

Commissioner for Patents
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. §1.137(a)

I, Frank S. DiGiglio, the undersigned, hereby state the following:

1. I am managing partner at the law firm of Scully, Scott, Murphy, and Presser (hereinafter SSMP) located in Garden City, New York, United States of America.
2. In my capacity as managing partner it is among one of my many responsibilities to review all communications from the U.S. Patent and Trademark Office addressed to our office, including Office Actions, Notice of Allowances, Notice to File Missing Parts, and all other mail having due dates upon their arrival at SSMP. After review, I assign the case to an attorney for further handling, if necessary.
3. Our Office received the Notice of Abandonment dated January 6, 2004, which indicates that the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed on February 22, 2002. Upon receipt of the Notice of Abandonment, I carefully reviewed our file of the application and determined that the Notice of Missing Parts dated February 22, 2002 was not in the file. I had the docketing department of our office search our computer database, and it was determined that the Notice of Missing Parts was never entered into the computer database. A copy of the print-out of

the computer data sheet for the above application is attached. The print-out shows that no entry was made for the Notice of Missing Parts. Therefore, it has been concluded that our office did not receive the Notice of Missing Parts mailed on February 22, 2002.

4. Our staff immediately telephoned the Customer Service Center to advise them that our office had not received a Notice to File Missing Parts dated February 22, 2002. On January 14, 2004, Mr. Preston Trevor of the Office of Initial Patent Examination (OIPE) sent a copy of the Notice to File Missing Parts to our office via facsimile. A copy of the faxed Notice of Missing Parts for the above-identified application is enclosed.

5. In response to the Notice to File Missing Parts, enclosed is a Declaration and Power of Attorney, executed by the inventors of the present application.

6. It is respectfully submitted that the entire delay in filing the Response to Notice to File Missing Parts was unavoidable. Therefore, it is respectfully requested that the petition to revive the above-identified application be approved.

Dated: March 8, 2004



Frank S. DiGiglio



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/028,346	12/20/2001	Meilina Ong Abdullah	15179

SCULLY, SCOTT, MURPHY & PRESSER
 400 Garden City Plaza
 Garden City, NY 11530

RECEIVED

MAR 11 2004



CONFIRMATION NO. 3064

ABANDONMENT/TERMINATION
LETTER

OC000000011623527

Date Mailed: 01/06/2004

OFFICE OF PETITIONS
 NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/22/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE